

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE	)	
PROPRIETY OF PROVISION OF	)	
INTERLATA SERVICES BY	)	
BELLSOUTH TELECOMMUNICATIONS,	)	CASE NO. 96-608
INC. PURSUANT TO THE	)	
TELECOMMUNICATIONS ACT OF 1996	)	

O R D E R

On August 7, 1998, the Commission received a motion from ICG Telecom Group, Inc. ("ICG") to compel BellSouth Telecommunications, Inc. ("BellSouth") to respond to ICG's July 21, 1998 data request. ICG's questions and requests for production relate to the provisioning of direct end office trunks to and from ICG in Kentucky, problems or delays, if any, with the transfer of customers from BellSouth to ICG in Kentucky, problems or delays, if any, with ordering, provisioning, or maintenance by BellSouth for ICG in Kentucky regarding specific, named ICG customers in Kentucky, BellSouth's calculation of reciprocal compensation payments due to ICG for local traffic originating from BellSouth and terminating on ICG's local switch, and problems or delays, if any, in the provisioning of unbundled loops to ICG or provisioning appointments missed by BellSouth.

ICG asserts that the data request was served on BellSouth on July 21, 1998, and that BellSouth filed no objection. Only when the material was not forwarded to ICG by the requested response date did BellSouth inform ICG that it did not intend to respond to the data requests.

On August 10, 1998, BellSouth filed a motion to strike the data requests of ICG. BellSouth alleges that it would be more appropriate for ICG to initiate complaints against BellSouth regarding its conduct pursuant to the interconnection agreement than to address the matters in this proceeding. BellSouth also asserts that the issues may be addressed at the hearing through cross-examination of BellSouth witnesses.

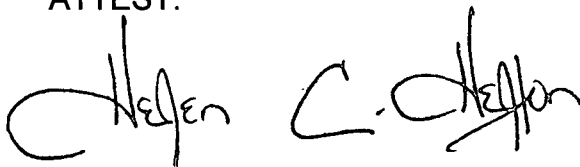
The nature and extent of interconnection provided by BellSouth to its competitors and compliance by BellSouth with its interconnection agreements are key issues in this proceeding. Thus, the requests propounded by ICG are relevant. BellSouth should answer the questions and produce the documents requested, except for those documents that ICG may reasonably be considered to have in its possession. Accordingly, ICG's motion should be granted and BellSouth's motion denied.

IT IS THEREFORE ORDERED that:

1. By no later than August 17, 1998, BellSouth shall respond to the data requests of ICG, except that it need not produce documents that ICG may reasonably be considered to have in its possession.
2. ICG's motion to compel is granted.
3. BellSouth's motion to strike ICG's data request is denied.

Done at Frankfort, Kentucky, this 11th day of August, 1998.

ATTEST:

  
Executive Director

PUBLIC SERVICE COMMISSION

  
For the Commission